IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.26683 of 2008
PATI YADAV
Versus
STATE OF BIHAR
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4 **25.09.2008** Heard learned counsels for the petitioner and the State. A supplementary affidavit has been filed on behalf of the petitioner.

Petitioner is an accused in a case registered for the offence under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

It has been submitted on behalf of the petitioner that although there is allegation against the petitioner and co-accused of firing in the first information report, however during investigation the informant has specifically stated that it was the co-accused Bhola Yadav who fired, which resulted in killing of his mother. It is further submitted that trial of the said Bhola Yadav was held and during trail witnesses did not support the prosecution case, which resulted in the acquittal of the said Bhola Yadav as per the judgement dated 17th September, 2003 passed in Sessions Trail No. 50 of 2002, which has been annexed as Annexure-3 to the supplementary affidavit.

Learned Addl. P.P., on perusal of the case diary, is not in position to refute the above submissions.

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Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Pati Yadav be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Masaurhi, Patna in connection with Dhanarua P.S.Case No. 32 of 2000 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**

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